



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/323,765	06/01/1999	MARK D. SCOTT	259.006US1	9616

7590 11/10/2004

MARK A. LITMAN  
MARK A. LITMAN AND ASSOCIATES, P.A.  
YORK BUSINESS CENTER, SUITE 205  
3209 WEST 76TH ST.  
EDINA, MN 55435

EXAMINER

HAYES, ROBERT CLINTON

ART UNIT	PAPER NUMBER
----------	--------------

1647

DATE MAILED: 11/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**UNITED STATES DEPARTMENT OF COMMERCE****U.S. Patent and Trademark Office**

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
---------------------------------	-------------	---	---------------------

EXAMINER
----------

ART UNIT	PAPER
----------	-------

20041109

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner for Patents**

The reply filed on 9/02/04 is not fully responsive to the prior Office action of 6/03/04 because of the following omission(s) or matter(s):

The first page of the response states that "claims 1-52 have been made subject to a restriction requirement, have been cancelled in this Amendment...", which cancels claims 1-52. In contrast, the summary of the claims only indicates that claims 27, 29-30 & 32-52 are cancelled, and that no new claims are submitted. Therefore, no claims are now pending, and the required indication of the proper status of claims 1-26, 28, 31 is incorrect.

Second, the 112, 2<sup>nd</sup> pp rejection of claim 31 has not been addressed. It is also noted that the amendment of claims 19-23 does not reasonably address the 112, 2<sup>nd</sup> pp rejection of claims 19-23 & 28 for lack of proper antecedent basis for the recitation of "said linking moieties..." or for any "linking moieties...", and further makes little grammatical sense.

Third, the re-submission of the previously submitted "defective" Brief does not address the Desai et al. (in light of Lin et al.) rejections, and is otherwise inappropriate for responding to the 6/03/04 Office action. Nor has a reasonable response to the Jeong et al. rejection been made by Applicant, which is easily correctable, for the reasons extensively made of record. See 37 CFR 1.111.

Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid ABANDONMENT. Note that any extensions of time under 37 C.F.R. 1.136 expires on 12/03/04, and that in no case may an applicant extend the period for response beyond the six month statutory period. Note that failure to fully respond to this communication, and to the Office action of 6/03/04, may result in ABANDONMENT of this application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Robert Hayes (Art Unit 1647) whose telephone number is (571) 272-0885.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brenda Brumback, can be reached on (571) 272-0961.

Robert C. Hayes, Ph.D.

November 9, 2004

**ROBERT C. HAYES, PH.D.**  
**PATENT EXAMINER**